

BOSTON REDEVELOPMENT AUTHORITY

REPORT AND DECISION ON THE APPLICATION OF ROGERSON BEACON ASSOCIATES FOR THE AUTHORIZATION AND APPROVAL OF A PROJECT UNDER MASSACHUSETTS GENERAL LAWS (TER. ED.) CHAPTER 121A AS AMENDED, AND CHAPTER 652 OF THE ACTS OF 1960, TO BE UNDERTAKEN AND CARRIED OUT BY A LIMITED PARTNERSHIP ORGANIZED PURSUANT TO MASSACHUSETTS GENERAL LAWS, CHAPTER 109, AND APPROVAL TO ACT AS AN URBAN DEVELOPMENT LIMITED PARTNERSHIP UNDER SAID CHAPTER 121A.

A. The Hearing. A public hearing was held at 1:00 P.M. on July 15 in the offices of the Boston Redevelopment Authority (hereinafter called the "Authority"), at the New City Hall, Room 921, Boston, Massachusetts 02201, by the Authority on an Application dated May 24, 1982 (hereinafter called the "Application"), filed by Rogerson House, present owner of the development site, on behalf of Rogerson Beacon Associates for authorization and approval of a redevelopment project under Chapter 121A of the General Laws of the Commonwealth of Massachusetts and Chapter 652 of the Acts of 1960, as amended (hereinafter called the "Project"), due notice of said hearing been given previously by publication on July 5 and July 12, 1982 in the Boston Herald American, a daily newspaper of general circulation published in Boston, and mailing postage prepaid in accordance with Rule 4 of the Rules and Regulations of the Authority for securing approval of Chapter 121A projects, and in accordance with the provisions of Section 13 of Chapter 652 of the Acts of 1960, as amended. Robert Farrell, James K. Flaherty and Clarence Jones, were present at the hearing.

B. The Project. The proposed development area is located on land located on Myrtle and Joy Streets in Boston, Suffolk County and designated as Parcel 168, Ward 3. A full metes and bounds description can be found in Exhibit A to the Application.

The Project consists of the acquisition and rehabilitation of the former "Beacon Chambers", an eight story hotel building on Beacon Hill, to provide 143 efficiency apartment units for low and moderate income elderly individual men and women. Rent subsidies for 83 units will be provided through the HUD Section 8 program. Nineteen of the units will be leased to Massachusetts General Hospital for use by families and friends of patients requiring long term care; such units shall not be occupied as hotel type transient housing units as that term is customarily utilized in this City. Subsidies for the occupants of the remaining units will be provided by Rogerson House, a non-profit corporation. Each fully rehabilitated unit will include a kitchen and bathroom and some of the units will be furnished. Common areas for all residents such as a sitting area, a reading room and an outdoor deck will be provided and the Project may also include a meal plan and provision of medical services.

The Applicant will provide first choice in the Project to former residents of the Beacon Chamber Hotel who qualify for occupancy in accordance with the Stipulation and Agreement approved and on file in the Boston Housing Court and first choice, thereafter, will be given to persons displaced from the North Station Urban Renewal Area who qualify for occupancy. Attached to this Application as Exhibit 2 is a site plan for the Project Area. There is also incorporated into the Application as Exhibit 3 floor plans and elevations for the buildings showing generally the character and quality of the construction to be used.

C. Authority Action. In passing upon the Application, the Authority has considered the Application itself, all documents, plans and exhibits filed therewith or referred to therein, the oral evidence presented at the hearing, the exhibits offered in evidence at the hearing, and arguments and statements made at the hearing.

D. Project Area. The Project as defined in the Application constitutes a "Project" within the meaning of Section 1 of Chapter 121A of the General Laws, providing, as it does, for the acquisition, rehabilitation and construction in a blighted, substandard and decadent area of decent, safe, and sanitary housing for the elderly and handicapped and commercial space.

The Project area is blighted, decadent and substandard, as those terms are defined in Section 1 of Chapter 121A, because the Project site presently contains an unoccupied, dilapidated building that has been damaged by fire, and that is physically deteriorated, obsolete and in need of major repair. Under existing conditions, it is improbable that the building or Project Area will be rehabilitated or repaired in the ordinary operation of private enterprise. The Project will not only repair an unsafe, unoccupied structure and create a well designed apartment complex for individual elderly men and women but will also serve to protect the area immediately adjacent to the Project Area from the increasingly adverse effects of an unoccupied and deteriorating structure. The area in its present condition is detrimental to the safety, health, morals, welfare, and sound growth of the City of Boston.

The site would not be developed without the real estate taxes being limited to a percentage of the Project's estimated gross annual income, evidenced by the requirement of the mortgage lender attached to the Application. Percentage levels as a basis for taxation can only be lawfully agreed to by the City of Boston under General Laws, Chapter 121A and Chapter 6A. These conditions and other factors referred to in the Application and this Report and Decision warrant the carrying out of the Project in accordance with Chapter 121A.

For these reasons it is found that the Project area is a blighted, decadent and substandard area within the meaning of Chapter 121A as amended. It is

unlikely that the conditions will be remedied by the ordinary operations of private enterprise.

The Project will provide substantial financial return to the City of Boston. The amounts to be paid in lieu of real estate taxes by the Applicants are set forth in the Application. There shall be paid to the City of Boston a percentage payment in lieu of real estate taxes, in each of the forty calendar years after approval of the Project.

E. Cost of the Project. In the opinion of the Authority, the cost of the Project has been realistically estimated in the Application and the Project is practicable.

The estimated minimum cost of the Project will be approximately \$6,400,000.00, which will be met by a construction-permanent mortgage loan from the Massachusetts Housing Finance Agency and by the raising of equity funds through the sale of limited partnership interests in the Applicant. Rent subsidies for 83 of the Project units will be through the HUD Section 8 program and nineteen units will be leased to Massachusetts General Hospital for use by families and friends of patients requiring long term hospital care. Subsidies for the remaining units will be provided by Rogerson House creating an endowment fund of approximately one million five hundred thousand dollars, the interest from which will bring rents to a below-market level. The endowment fund will be established from contributions from charitable institutions, individuals, corporations and other businesses and will be established at the time of the closing of the loan from the Massachusetts Housing Finance Agency.

The following are all the persons, natural or corporate, who, prior to the completion of the Project, have or will have, directly or indirectly, any ownership interest in the Project. The Applicant, the General and Limited Partners of Rogerson Beacon Associates, and the mortgagee will be the only persons with a direct or indirect beneficial interest in the Project.

F. Consistency with Master Plan. The Project does not conflict with the Master Plan for the City of Boston as the Project Area comes within a classification in the Master Plan which permits buildings and uses of the kind proposed by the Applicants.

G. Effect of the Project. The Project will not be in any way detrimental to the best interests of the public or the City of Boston or to the public safety and convenience and is not inconsistent with the most suitable development of the Project Area neighborhood or of the City. The Project will, in fact, forward the best interests of the City and will constitute a public use and benefit. The Plans of the structure to be rehabilitated within the Project Area have been reviewed by the Design Review Staff of the Authority. The Authority finds that this Project will enhance the general appearance of the Area and furnish attractive housing accommodations for 143 elderly men and women, many of whom have been displaced from their homes by the fires in the former hotel, or by the elimination of their dwellings as rental units due to conversion to condominiums, or urban renewal activities. The Project will provide construction jobs during the development of the Project, and some permanent employment will be available to local residents in connection with the leasing, maintenance and ongoing operation of the Project. The Project will increase the non-transient residential population of the neighborhood, resulting in a positive economic impact on local business which will be patronized by the Project residents. The Project will have a positive economic impact on the neighborhood surrounding the Project Area and on the City of Boston. During construction of the Project, the Project general contractor will be required, to the best of its ability, to grant preference in hiring to Boston residents.

H. Environmental Considerations. Pursuant to the provisions of Section 61 of Chapter 30 of the General Laws (as inserted by Chapter 781 of the Acts of 1972), the Authority hereby finds and determines that the Project will not result in significant damage to or impairment of the environment and further finds and determines that all practicable and feasible means and measures have been taken, or will be utilized, to avoid or minimize damage to the environment.

As a result of the investigations and report of the Authority's staff and of its own knowledge, the Authority hereby finds that.

1. The Project will not adversely affect any open space or recreation area or any aesthetic values in the surrounding area.
2. The Project will not adversely affect any archaeological or historical site, structure, or feature; rather it is expected that the Project will enhance the historic features of the area.
3. The Project will not adversely affect any significant natural or man-made feature or place but is determined to be compatible with the surrounding environment.
4. Being located in an urban area, the Project will not affect any wilderness area or area of significant vegetation and will not adversely affect any rare or endangered fisheries, wildlife or species of plants.
5. The Project will not alter or adversely affect any flood hazard area, inland or coastal wetland, or any other geologically unstable area.
6. The Project will not involve the use, storage, release, or disposal of any potentially hazardous substances.
7. The Project will affect the potential use or extraction of any agricultural, mineral, or energy resources.

8. The Project will not result in any significant increase in consumption of energy or generation of solid waste.
9. The Project will not adversely affect the quantity or quality of any water resources and will not involve any dredging.
10. Except necessarily during the construction phase, the Project will not result in the generation of a significant amount of noise, dust, or other pollutants, and will not adversely affect any sensitive receptors.
11. The Project will not adversely affect any area of important scenic value.
12. The Project will not conflict with any Federal, State, or local land use, transportation, open space, recreation, and environmental plans and policies.
13. The Project will require deviations from the Zoning Code of the City of Boston as further detailed herein, but not in such a manner as will cause damage to the environment.
14. In order to avoid or minimize any damage to the environment, the Authority hereby requires that the applicant comply with the City of Boston Air Pollution Control Commission's Regulations for the Control of Noise and Regulations for the Control of Atmospheric Pollution during all phases of construction activity.
15. If the rehabilitation involves any abrasive blasing of interior or exterior surfaces, the contractor must submit an application for an Abrasive Blasting Permit to the City of Boston Air Pollution Control Commission prior to initiation of such activity.
16. During the renovation, great care should be taken to minimize general dust in the community and to control any asbestos removed. The windows should be covered during the internal renovation and removal of plaster and asbestos.
17. Location of contractor's vehicles and dumpsters for debris should be so arranged that safe and convenient pedestrian access through the area is provided on a reasonable basis.

I. Minimum Standards. The minimum standards for financing, construction, maintenance, and improvement of the Project as set forth in Exhibit 14 filed with and attached to the Application, are hereby adopted and imposed as Rules and Regulations (in addition to those hereinafter adopted and imposed) applicable to this Project for the same period as the Project is subject to the provisions of Chapter 121A of the General Laws and Chapter 652 of the Actions of 1960, as amended.

In addition to the minimum standards set forth in Exhibit 14, the Authority hereby requires that the Applicants, prior to obtaining a building permit, (1) enter into a Regulatory Agreement with the Authority pursuant to the requirements of General Laws, Chapter 121A, Section 18C and containing such other terms and conditions as the Authority may in its discretion deem necessary and appropriate; (2) submit to the Authority for its review and approval all plans and specifications for the Project as the Authority may require and accept such changes and modifications thereto as the Authority may deem necessary or appropriate, and (3) adhere to such design review controls and requirements as the Authority may in its discretion impose.

The carrying out of the Project will not require a permit for the erection, maintenance, and use of a garage within 500 feet of one or more buildings occupied in whole or in part as a public or private school having more than 50 pupils, or as a public or private hospital having more than 25 beds, or as a church.

The Project does not involve the construction of units which constitute a single building under the State Building Code and zoning laws, General Laws, Chapter 138.

J. Zoning Code Deviations. Exhibit 10 to the Application lists the Zoning Code deviations requested for the reasons set forth in the Application and the evidence presented at the hearing. The Authority finds that the deviations attached hereto and incorporated by reference as Exhibit "A" are necessary for the carrying out of the total Project and are therefore, granted without substantially derogating from the intent and purposes of the applicable laws, codes, ordinances and regulations respectively.

K. Duration of Period of Tax Exemption. The Applicant seeks an increase in the basic 15-year statutory term to 40 years by the granting of a 25-year extension pursuant to Section 10 of Chapter 121A because the Project consists of housing financed by federal and state programs to assist the construction of low and moderate income housing. Such extension is hereby granted.

L. Decision. For all the reasons set forth in the foregoing report, the Authority hereby approves the undertakings by the Applicant of the Project pursuant to Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960, subject to the provisions as set forth above.

ROGERSON HOUSE ASSOCIATES
ZONING DEVIATIONS

PURPOSE:

To change the occupancy of the building from a hotel for 370 persons with 5 stores and a restaurant to 143 apartments primarily for elderly persons of low and middle income (for an allowed use) with 5 stores and a restaurant as listed below. The building's most recent use as a hotel and for ground floor commercial uses were non-conforming uses and therefore the alterations and reconstruction have the benefit of Section 13-3, except that the building shall be reconstructed and extended by: enclosing portions of the light well for elevators and a landing, removal of several indoor stairwells, adding an outdoor deck, and by enclosing an area between the main building and annex.

ZONING DISTRICT: H-2-65

Deviations from the following sections are requested:

SECTION:USE:

- 9-1 Request permission to reconstruct and extend the building as set forth above.
- 8-7, 9-2 Change in non-conforming use of commercial space. The building currently includes a tailor-dry cleaner, locksmith and real estate agency. The building recently also included a restaurant, barber shop and music store. Although no tenants have yet been procured, the intent is to renovate the retail space to include five (5) stores and a restaurant. The intent is to renovate the retail stores for uses including the following:
- 8-7 (34) Stores primarily serving the local retail business need of the residents of the neighborhood, including but not limited to stores retailing one or more of the following: food, baked goods, groceries, drugs, tobacco products, clothing, dry goods, books, flowers, paint, hardware, minor household appliances, vision apparel, antiques, gifts, hobby items and toys;
- 8-7 (40, 41, 43, 44, 46) Service stores such as tailor, dry cleaner, locksmith, real estate agency, hairdresser, insurance agency, government office, shoe repair

SECTION:

USE:

shop, self-service laundry, electrician, T.V. repair, and plumber;

8-7 (39)

Professional offices such as doctor, lawyer, accountant, architect, etc.; and

8-7 (37)

Restaurant primarily preparing food for consumption on the premises;

FLOOD AREA RATIO

Maximum Floor Area Ratio: 2.0

Existing: $81,363/12,781 = 6.4$

Proposed: $85,415/12,781 = 6.7$

13-3

Increase in Floor Area Ratio.

OPEN SPACE

Existing: None

Required: 150 square feet per dwelling unit
(21,450 square feet)

Provided: Approximately 750 square feet total.

17-1

Deviation from open space requirement. Previous use as hotel did not require open space.

The specific dimensions of the deviations are shown on the attached plans.

August 5, 1982

4220

MEMORANDUM

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT J. RYAN, DIRECTOR

SUBJECT: CHAPTER 121A APPLICATION OF ROGERSON BEACON ASSOCIATES

On July 15, 1982, the Authority conducted a public hearing to consider the above-captioned 121A Application.

The Project consists of the rehabilitation, operation and maintenance by the Applicant of 143 efficiency apartment units of housing for low and moderate income elderly persons on the site of the former Beacon Chambers Hotel at Myrtle and Joy Streets in Boston, Suffolk County, Massachusetts.

Authority staff has examined the application and found that it contained sufficient evidence in support of the project to make those findings and determinations necessary to proceed with the approval of the Project.

An appropriate Vote follows:

VOTED: That the document presented at this meeting entitled "Report and Decision on the Application of Rogerson Beacon Associates for the Authorization and Approval of a Project under Massachusetts General Laws (Ter. Ed.) Chapter 121A, as Amended, and Chapter 652 of the Acts of 1960, to be undertaken and carried out by a limited partnership organized pursuant to M.G.L. c. 109 and approval to act as an Urban Redevelopment Limited Partnership under said Chapter 121A" be and hereby is approved and adopted.